

SENATE BILL 1603

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 37
and Title 71, relative to relative caregivers.

WHEREAS, relative caregivers perform a critical function in the lives of children at risk of entering the foster care system by providing housing, care, and emotional support in a familial setting; and

WHEREAS, relative caregivers are often left to pay for the added costs associated with taking in a child since state and federal dollars are not available to relative caregivers for the daily living costs of the child; and

WHEREAS, more than 2,200 relative caregivers took in and provided care for more than 3,700 children in this state in 2018; and

WHEREAS, fewer than 1% of the children taken in by relative caregivers in 2018 ended up in state-funded foster care; and

WHEREAS, relative caregivers save this state a tremendous amount of tax dollars annually while themselves being forced to bear the additional financial burdens of paying for the everyday living costs of the children in their care; and

WHEREAS, it is just and proper that the state provide a measure of support to relative caregivers and the children in their care; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following section:

(a) As used in this section:

(1) "Department" means the department of children's services; and

(2) "Relative caregiver" means a person who is related, as defined in § 36-1-102, to the child for whom the person is providing care.

(b) The department shall, within the limits of available funding, provide financial assistance in accordance with this section to eligible relative caregivers.

(c) A relative caregiver shall receive payment of up to eighty-two percent (82%) of the full foster care rate for the care of a dependent child if:

(1) The child has not been placed in state custody;

(2) The relative caregiver is a:

(A) Relative who is caring full-time for the child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter;

(B) Relative who is caring full-time for the child, and a dependent half-brother or half-sister of that child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter; or

(C) Nonrelative who is willing to assume custody and care of the child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative under this chapter pursuant to a finding by the court that placement with the nonrelative is in the best interest of the child;

(3) The child is at risk of entering state custody, as determined by the department or court that awarded custody to the relative caregiver pursuant to this chapter;

(4) The relative caregiver agrees to seek the establishment and enforcement of child support, including, but not limited to, the naming of the

father of a child for purposes of paternity establishment, unless good cause not to cooperate exists, as defined by the department by rule;

(5) The relative caregiver agrees to participate in any programs offered by the department to reduce the risk of the child entering state custody;

(6) The relative caregiver has provided fingerprint samples and submitted to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation;

(7) The relative caregiver has provided personal and professional references;

(8) The department has conducted a home visit of the relative caregiver and interviewed the relative caregiver and any persons who reside in the relative caregiver's home; and

(9) The relative caregiver cooperates with any activities required by the department to reduce the likelihood that the child will enter state custody, such as counseling, therapy or court sessions, or visits with family members.

(d)

(1) Except as provided in subdivision (d)(2), a relative caregiver is not eligible to receive payments under this section if a parent or stepparent of the dependent child resides in the home. If a relative caregiver is currently receiving payments under this section at the time a parent or stepparent moves into the home, then the department shall terminate the payment no later than the first day of the month following the later of:

(A) The date the parent or stepparent moves into the home; or

(B) The date of expiration of a ten-day period following notice of payment termination to the relative caregiver.

(2) An eligible relative caregiver may receive payments under this section for a minor parent who is in the relative caregiver's care, as well as for the minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements of this section.

(e) Payment pursuant to this section is subject to the initial and continuing eligibility of the relative caregiver and the child pursuant to this section and rules promulgated by the department. There is no entitlement to payment by a relative caregiver pursuant to this section.

(f) The department may establish additional requirements for payment pursuant to this section; however, the department shall not require that the child is or has been in the custody of the department.

(g) If the department determines that a relative caregiver has received financial assistance under this section for which the relative caregiver was not eligible, then the department shall take all necessary steps to recover the payments. The department may make appropriate settlements and may adopt rules to calculate and recover such payments.

(h) No later than February 1 following the conclusion of each calendar year of the program, the department shall publish an annual report on the payments required by this section. The content of the report must include, but is not limited to:

(1) The amount of payments made pursuant to this section;

(2) Rates at which children in the custody of relative caregivers who receive payment pursuant to this section enter state custody as compared to the rates of other at-risk children;

(3) The number of children that remained out of state custody as a result of the program created by this section; and

(4) The amount of any money saved as a result of children remaining out of state custody as a result of the program created by this section.

(i) The commissioner of children's services may adopt rules and regulations necessary to carry out this section pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.